

United States District Court  
District of Massachusetts

**DOUGLAS C. GREER,**  
PLAINTIFF,

v.

**CIVIL ACTION NO. 05-30001-**

**MAP**

**CITY OF SPRINGFIELD, JEFFREY M.  
ASHER, JAMES F KERVICK, JAMES L.  
SHEWCHUCK, JAMES M. MORIARTY,  
JOHN DOES Nos. 1-4, JOHN DOE, No. 5,  
and PAULA MEARA, CHIEF OF POLICE,**

DEFENDANTS.

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**MOTION TO BIFURCATE**

**BY**

**DEFENDANTS CITY OF SPRINGFIELD, JEFFREY M. ASHER, JAMES F KERVICK,  
JAMES L. SHEWCHUCK, JAMES M. MORIARTY, JOHN DOES Nos. 1-4, JOHN DOE,  
No. 5, and PAULA MEARA, CHIEF OF POLICE, AND TO STAY MONELL  
DICOVERY**

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Now come the **DEFENDANTS CITY OF SPRINGFIELD, JEFFREY M. ASHER, JAMES  
F KERVICK, JAMES L. SHEWCHUCK, JAMES M. MORIARTY, JOHN DOES Nos. 1-  
4, JOHN DOE, No. 5, and PAULA MEARA, CHIEF OF POLICE, AND TO STAY  
MONELL DICOVERY**, pursuant to Fed. R. Civ. P. 42, who hereby moves this Court to enter  
an Order bifurcating the *Monell v. Department of Social Services of the City of New York*, 436  
U.S. 658 (1978) claim set forth in Counts III and IV against the City of Springfield and Paula

Meara from the claims against the individual Defendant officers.<sup>1</sup>

Further, discovery pertaining to the *Monell* claim against the City of Springfield, should be stayed until after the trial against the individual officers is concluded. Bifurcation is appropriate in this case to prevent the introduction of prejudicial evidence which may taint the case of one of the parties and is in the interests of judicial economy. In support thereof, the Defendant relies on the attached memorandum.

**THE DEFENDANTS,  
CITY OF SPRINGFIELD, JEFFREY M.  
ASHER, JAMES F KERVICK, JAMES  
L. SHEWCHUCK, JAMES M.  
MORIARTY, JOHN DOES Nos. 1-4,  
JOHN DOE, No. 5, and PAULA MEARA,  
CHIEF OF POLICE,**

By, \_\_\_\_\_  
Michael E. Mulcahy, Esq.  
Associate City Solicitor  
BBO# 561824  
City of Springfield Law Department  
36 Court Street  
Springfield, MA 01103  
(413) 787-6085  
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<sup>1</sup> The complaint alleges in the other counts: excessive force, malicious prosecution, assault and battery, conspiracy to violate civil rights, abuse of process, conspiracy to deprive plaintiff of rights and privileges guaranteed under the constitutions of the United States Constitution and Massachusetts Constitutions, and reckless and/or intentional infliction of emotional distress.

**LOCAL RULE 7.1 (A)(2)**

I, Michael E. Mulcahy, hereby certify that I have complied with Local Rule 7.1 (A)(2). I have conferred and attempted in good faith to resolve or narrow the issue of this motion with Plaintiff's counsel.

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Michael E. Mulcahy, Esq.

**CERTIFICATE OF SERVICE**

Prince,Lobel, Glovsky & Tye LLP  
585 Commercial Street  
Boston, MA 02109

I, Michael E. Mulcahy, hereby certify that I caused the within document, to be served this date by serving electronically or mailing a copy, via first class mail, postage prepaid to the above referenced people on this date.

Date: September 1, 2006

By,\_\_\_\_\_  
Michael E. Mulcahy, Esq.